

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2005-71-T - ORDER NO. 2006-254

APRIL 26, 2006

IN RE: Application of Congaree Delivery Service, a	)	ORDER DISMISSING
division of Congaree Service and Trading	)	APPLICATION AND
Company, LLC for a Class E (HHG)	)	RESCINDING
Certificate of Public Convenience and	)	AUTHORITY
Necessity.	)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Congaree Delivery Service, a division of Congaree Service and Trading Company, LLC (Congaree Delivery of the Applicant) to withdraw the Application of Congaree Delivery for a Class E Certificate of Public Convenience and Necessity.

A review of the docket file reveals that Congaree Delivery was granted authority to provide moving services of household goods in South Carolina under a Class E Certificate of Public Convenience and Necessity (Certificate) by Order No. 2006-25, dated January 19, 2006. In Order No. 2006-25, the Commission directed the Applicant to file with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, as amended, and 23A S.C. Code Ann. Regs. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor

Carriers, as amended, within sixty (60) days of the date of the Order, or within such additional time as may be authorized by the Commission.

Further, Order No. 2006-25 instructed the Applicant that the failure to either complete the certification process by complying with the requirements of filing with the ORS proof of appropriate insurance and an acceptable safety rating within sixty (60) days of the date of the Order or to request and obtain from the Commission additional time to comply with the stated requirements, would result in the Applicant's authorization approved in Order No. 2006-25 being revoked.

By letter filed March 28, 2006, the ORS petitioned the Commission to dismiss the Application of Congaree Delivery stating that Congaree Delivery had failed to comply with the rules and regulations of the Commission as required by Order No. 2006-25. According to the ORS, the Applicant had neither filed the appropriate documentation nor requested an extension of time; therefore, the ORS requested the Application of Congaree Delivery be dismissed. On March 31, 2006, a Notice was issued by the Commission and served upon Congaree Delivery, which notified Congaree Delivery of the ORS's petition to dismiss and of the time and manner in which to respond to the ORS's petition. By letter of Congaree Delivery's counsel filed April 4, 2006, Congaree Delivery seeks withdrawal of its Application for a Certificate of Public Convenience and Necessity.

After due consideration of the request of the Applicant and the request of the ORS, the Commission is of the opinion, and so finds, that its previous Order No. 2006-25 granting Congaree Delivery authority to transport household goods under a Class E Certificate should be rescinded and that the Application herein should be dismissed.

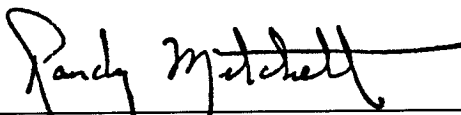
IT IS THEREFORE ORDERED:

1. That the Application of Congaree Delivery Service, a division of Congaree Service and Trading Company, LLC for a Class E Certificate of Public Convenience and Necessity is dismissed.

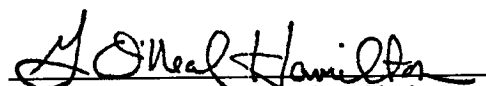
2. That Commission Order No. 2006-25, dated January 19, 2006, granting Congaree Delivery Service, a division of Congaree Service and Trading Company, LLC authority to operate under a Class E Certificate of Public Convenience and Necessity is rescinded.

3. That this Order shall remain in full force and effect until further Order of this Commission.

BY ORDER OF THE COMMISSION:

  
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Randy Mitchell, Chairman

ATTEST:

  
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G. O'Neal Hamilton, Vice Chairman

(SEAL)